

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PETER F. WHITE EYES, JR.,

Defendant.

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8:07CR404

ORDER

This matter is before the court on the defendant's motion for a 60-day extension of time in which to file pretrial motions [13]. Upon review of the file, the court finds that a 30-day extension should be granted.

IT IS ORDERED that the motion [13] is granted, in part, as follows:

1. The deadline for filing pretrial motions is extended to **February 13, 2008**.

2. In accordance with 18 U.S.C. § 3161(h)(8)(A), the court finds that the ends of justice will be served by granting this motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **January 14, 2008 and February 13, 2008**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

3. Defendant shall file an affidavit or declaration regarding speedy trial, as required by NECrimR 12.1 and/or 12.3, as soon as is practicable.

DATED January 15, 2008.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge